

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER 18012021/DJ



THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.5) (WALES)
REGULATIONS 2020
Regulation 26 & Schedule 8

Business/Premises Name:	MNS Spar (KIS Food and Wine)
Business/Premises Address:	45-51 Margaret St, Abercynon, Mountain Ash CF45 4RB
Name of Person Responsible:	<i>Khaleed Mahmood</i>
Address of Person Responsible:	45-51 Margaret St, Abercynon, Mountain Ash CF45 4RB
Type of Premise/Business/Service:	Convenience Store & Post Office

I, Dale Jones, as a relevant person and enforcement officer designated by Rhondda Cynon Taf County Borough Council, consider that you, as the person responsible, are contravening a requirement imposed by these Regulations and it is necessary and proportionate to give you this Premises Improvement Notice for the purpose of preventing you from continuing to contravene the requirement(s) of the Regulations.

I am of the opinion that you, as the person responsible, for the premises detailed above, which is listed in Regulation 15 and Schedule 7 are failing to comply with the following relevant provision(s):

Regulation 16(1) of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 16(1) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, on 18/01/21 at 12:05 it was observed that:

There was no customer flow control system for the premises implemented, with several customers observed moving within 2 metres of each other to access other parts of the premises, at the tills, and in the aisles.

The above point(s) fail to ensure that a 2-metre social distance is maintained between persons on the premises, contrary to Regulation 16(1)(a).

And furthermore:

This Premises Improvement Notice is being given to you for the purpose of protecting against the risks to public health arising from coronavirus and the serious and imminent threat to public health posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 in Wales.

The two employees working at the store were respectively not wearing a face covering, and not wearing their face covering correctly.

Multiple customers were observed entering the premises without wearing a face covering and were not challenged for doing so.

No hand sanitizer was available for customers to use at the entrance and the tills of the premises.

Signage outside and inside the premises informing customers that face coverings were mandatory inside the premises, and for customers to adhere to 2 metre social distancing measures was inadequate, or non-existent.

The above point(s) fail to ensure that reasonable measures were in place for persons on the premises, contrary to Regulation 16(1)(b).

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020, without reasonable excuse, is an offence under Regulation 42 and punishable on summary conviction by a fine.

In order to secure compliance Rhondda Cynon Taf County Borough Council hereby directs you to take the following actions:

Capacity should be determined to allow for adequate 2 metre social distancing by customers on the premises, and if required signage to advise customers of this should be displayed at the entry to the premises.

Placement of signage outside and inside the premises, to ensure that customers understand that wearing of face coverings (unless exempt) and adhering to 2 metre social distancing practices is required at the premises.

Implementation of a controlled entrance and exit system, such as a one way system or other similar means, at the premises, to allow for customers to maintain adequate 2 metre social distancing measures while on the premises.

Placement of signage at the entrance and exits of the premises, and regular announcements when required, informing customers about adhering to the control system in place to maintain adequate 2 metre social distancing measures while on the premises.

Correct usage of face coverings (unless exempt) by employees to adhere to the mandatory face covering requirements.

Placement of hand sanitizer at the entrance and exit of the premises, and at the tills and as required at the premises so that customers and employees may sanitise to maintain good hand hygiene.

Implementation of all actions identified in your COVID Risk Assessment.


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Other measures that achieve equal effect but are not necessarily specified in the guidance may be implemented.

Further guidance is available at <https://gov.wales/coronavirus-legislation-and-guidance-law> and <https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

Time Limit for Measures to be taken

The measures identified within this Premises Improvement Notice must be taken within 48 hours, commencing with the time that the notice is issued

Enforcement Officer Name:	Dale Jones		
Signed:		Time Date:	& 15:00 19/01/21
Enforcement Officer Contact Details:	Email: dale.jones@rctcbc.gov.uk Telephone: 01443 425001		

Appeals

The appeals process is set out in Schedule 8 Paragraph 5.

A person to whom a premises improvement notice is issued may appeal to a Magistrates' court against the notice.

An appeal must be made:

- a) By way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980(37), and
- b) Within 7 days after the day the notice is issued

A magistrates' court may allow an appeal to be made after the expiry of the period mentioned in b) above if satisfied that there is a good reason for the failure to apply before the expiry of that period (and for any delay in applying for permission to appeal out of time).

Notes

The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020 are made under The Public Health (Control of Diseases) Act 1984 (*as amended*).

"Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

A "person responsible for carrying on a business" includes the owner, proprietor and manager of that business.

These Regulations expire on the 31st March 2021. All requirements and restrictions will be subject to review by the Welsh Ministers every 21 days.

A Premises Improvement Notice may be issued to a person responsible for premises referred to in Regulation 15(1), if the officer considers that the person is not complying with the obligations

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imposed on the person by Regulation 16(1) and the measures specified are necessary and proportionate in order to ensure that the person complied with those obligations.

This Premises Improvement Notice is being issued under Regulation 26 and Schedule 8 of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020

Schedule 8 of the Regulations places a requirement on the Local Authority to publicise all Premises Improvement Notices.

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THESE MEASURES WILL REMAIN IN FORCE UNTIL THE RESTRICTION HAS BEEN LIFTED BY THE WELSH MINISTERS